

FILED
AUG 7 2008RICHARD W. WICKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 PATRICK E. NOEL
2 Pro Se Petitioner
3 V88778
4 CSP Sacramento
5 PO Box 290066
5 Represa, CA. 95671-0066

CV 08 3777

6 E-filing

MHP

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8 UNITED STATES DISTRICT COURT (PR)
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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12 PATRICK E. NOEL,) Mendocino County
13 Petitioner,)) No. CR-04-58628002
14 v.))
15) Appeal No. A110859
16 JAMES WALKER, WARDEN,)) California Supreme Court
17 Respondents.)) No. S151361
18))
19) REQUEST FOR
20)) APPOINTMENT OF
21)) COUNSEL
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28))

REQUEST FOR APPOINTMENT OF COUNSEL

22 Petitioner, PATRICK E. NOEL, moves the Court for an order appointing
23
24 counsel at public expense. 28 U.S.C. §§ 1915(e)(1), 2254(h); 18 U.S.C. § 3006A.
25 Petitioner is indigent and was represented by appointed counsel in the state
26
27 court proceedings.

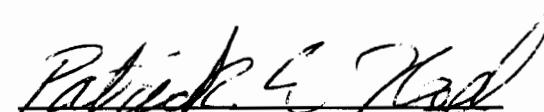
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1 Counsel should be appointed in this Court because the issues in this case are
2 too complex for an untrained, pro se petitioner to adequately address. Petitioner
3 has no legal training or experience and does not believe he can competently
4 represent himself before this Court.
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6 The petition, motion to hold proceedings in abeyance, and this motion were
7 prepared by attorney, Randi Covin, who agreed to assist petitioner with his Pro Se
8 pleadings for a small fee paid by petitioner's mother. But neither petitioner nor
9 his mother can pay Ms. Covin or any attorney enough to represent petitioner in
10 this action and Ms. Covin is unable to represent petitioner without compensation.
11 Petitioner could not have adequately prepared these documents and will not be
12 able to respond to any answer by respondents. Petitioner, therefore, requests that
13 the Court appoint an attorney to represent him.
14

15 I declare under penalty of perjury that the foregoing is true and correct.
16
17 Executed this 24 day of July, 2008, at Represa, California.
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PATRICK E. NOEL
Pro Se Petitioner

1 I, RANDI COVIN , declare:

2 1. I am an attorney licensed to practice in the State of California and in
3 this Court. My practice consists almost entirely of indigent criminal appeals and
4 writs in California. In the last few years, I have begun assisting some of my state
5 appeal clients with their federal habeas pleadings for modest fees paid by their
6 families. I find this is a valuable service to criminal defendants who cannot afford
7 full representation in federal court and would otherwise be entirely on their own.

8 2. In March 2008, petitioner's mother contacted me and paid me a small
9 amount of money to help petitioner with his Pro Se pleadings. After some
10 investigation, I assisted petitioner with the preparation of his petition, motion to
11 stay and abey and this request. Petitioner's mother told me she is unable to pay
12 me or any attorney enough to represent petitioner as counsel of record.

13 3. I am a sole practitioner struggling to make a living doing California indigent
14 appeals and I cannot afford to provide additional legal services to Mr. Noel
15 without compensation. I do not believe Mr. Noel will be able to effectively
16 represent himself without assistance.

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1 I declare under penalty of perjury under the laws of the state of California
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3 that the foregoing is true and correct. Executed this 8th day of July, 2008, at
4 Oakland, California.

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RANDI COVIN